

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
OXFORD DIVISION**

**MICHAEL E. WHALEN**

**PLAINTIFF**

**VS.**

**CIVIL ACTION NO.: 3:19-cv-59-NBB-JMV**

**COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**ORDER CONCERNING CONSENT TO MAGISTRATE JUDGE**

It is the policy of the district judges of the Northern District of Mississippi to strongly encourage the parties in social security disability cases to consent to have their cases handled by a magistrate judge. Consent streamlines the legal process because the legal standard of review is identical at all levels in the judicial review process. If the parties consent to have the case handled by a magistrate judge, the undersigned will enter a final decision and judgment in due course. Any appeal of this judgment must be taken directly to the Fifth Circuit Court of Appeals. If the parties do not consent to have the case handled by a magistrate judge, the undersigned will prepare and file a Report and Recommendation for consideration by the district judge assigned to the case. The district judge will then enter a final decision and judgment in due course. An appeal from that judgment is taken to the Fifth Circuit.

Accordingly, it is

**ORDERED:**

1. Within fifteen days of the filing of Plaintiff's brief, the Commissioner shall initiate contact with plaintiff's counsel (or plaintiff if appearing *pro se*) to discuss consent to the jurisdiction of the magistrate judge. If the parties consent to have a magistrate judge handle the

case, each counsel (or plaintiff if appearing *pro se*) shall sign the Consent to Exercise of Jurisdiction by a United States Magistrate Judge portion of the Notice which is an attachment with the scheduling order and **submit the signed consent form to the district judge within thirty days of the filing of plaintiff's brief**. The district judge will sign the Order of Reference referring the case to the appropriate magistrate judge.

2. *If the parties do not consent* to the jurisdiction of a magistrate judge, the Commissioner shall within twenty days from the date of filing of plaintiff's brief file a notice with the court stating that the parties do not consent to the jurisdiction of a magistrate judge. This notice shall not identify which party or parties withhold consent.

ORDERED, this, the 3<sup>rd</sup> day of June 2019.

s/ Jane M. Virden

**UNITED STATES MAGISTRATE JUDGE**